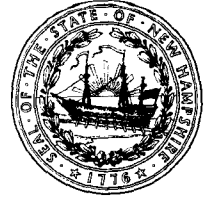




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

LETTER OF DEFICIENCY

No. WD SS 05-14

November 8, 2005

Mr. Arthur Murdough
P.O. Box 162
Marlow, NH 03456

RE: Unauthorized Septic System work,
11 Main Street, Marlow

Dear Mr. Murdough:

On October 31, 2005, personnel from the Department of Environmental Services, Water Division ("DES") received information and photographs concerning the replacement of a septic system at your property, described as Lot # 104, on Tax Map # 203, and located on Main Street, Marlow, NH, 03456 ("the Property"). The purpose of the complaint was an allegation that the work occurring on your property was not in compliance with RSA 485-A and it's implementing regulations, the Subdivision and Individual Sewage Disposal System Design Rules, Env-Ws 1000 ("the Rules").

As a result of the information received, the following deficiency was noted:

1. A septic system was being replaced in place, in kind, on a property used for commercial rental purposes. Env-Ws 1003.10(e) forbids replacement of failed septic systems on commercial property.

DES expects the above deficiency to be permanently corrected within 30 days by initiating and completing the following measures:

1. Engage a permitted septic system designer to prepare and submit septic system plans and specifications to DES for the total waste load generated on the Property.
2. Obtain approval to construct the system.
3. Construct and obtain approval to cover and use the system.
4. Operate and maintain the system in accordance with NH Administrative Rule Env-Ws 1023.

During interim between receipt of this letter and the date by which permanent corrections have been completed, as an alternate to vacating the premises, DES expects that collected sewage will be pumped and disposed in accordance with NH Administrative Rule Env-Ws 1600 at sufficient frequent intervals to prevent further overflow. If this alternative is utilized, it is advised that pumping receipts be retained.

DES believes the cited deficiencies will be corrected within 30 days and a report describing the corrective measures can be submitted to this office within 35 days of receipt of this letter.

In the event compliance is not achieved within this period, DES may take further action against you, including issuing an order requiring the above items to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. In addition, DES personnel will inspect the Property at a later date to determine whether you have come into, and are maintaining, full compliance with all applicable statutes and directives.

The written report as requested above should be addressed as follows:

Richard J. de Seve, SSB, DES
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Your prompt cooperation is appreciated. Should you have any questions regarding this letter, please contact Richard J. de Seve at 271-3442.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Evans", is written over a large, bold, black "COPY" stamp.

William E. Evans, P.E.
Administrator
Subsurface Systems Bureau

WEE/RJD

CERTIFIED MAIL 7099 3400 0002 9773 0314

Cc: James G. Falicon, SSB, DES
Gretchen Hamel, Administrator, DES Legal Unit
Board of Selectmen, Town of Marlow
Richard J. de Seve, SSB, DES